

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DENNIS L. MONTGOMERY,	:	Civ. Action 15 Misc. 0363
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SIMON & SCHUSTER,	:	
	:	
and	:	
	:	
PRISCILLA PAINTON,	:	EMERGENT NOTICE OF MOTION
	:	TO QUASH
and	:	
	:	
TINA BENNETT,	:	
	:	
Defendants.	:	
	:	
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PLEASE TAKE NOTICE that the undersigned, McCusker, Anselmi, Rosen & Carvelli, P.C., attorneys for Simon & Schuster, Inc. and Priscilla Painton (“S&S Non-parties”) shall hereby move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 15B, New York, New York, before the Honorable Denise L. Cote, U.S.D.J., sitting in Part 1, on December 1, 2015 at 11:00 a.m., for entry of an Order pursuant to Rule 45(d)(3) quashing subpoenas improperly served on the S&S Non-parties, and for such other relief that the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that the S&S Parties will rely upon the memorandum of law and Declaration of Bruce S. Rosen, with exhibits, submitted herewith. Please note that the moving papers are identical to those filed in Opposition to Plaintiff’s Motion to Compel the same subpoenas, which is returnable before Judge Cote at the same time and place.

PLEASE TAKE FURTHER NOTICE that the undersigned requests oral argument on all matters raised herein.

Dated: November 19, 2015

McCUSKER, ANSELM, ROSEN &
CARVELLI, P.C.

By: _____

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*Attorneys for Simon & Schuster, Inc. and Priscilla
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